



# Association of **Lawyers for Children**

Promoting justice for children and young people

## **CONSTITUTION**

### **1 Name**

The name of the Association will be the Association of Lawyers for Children ('the Association').

### **2 Objects**

2.1 The overarching objects of the Association are:

- (a) To promote justice for children and young people ('children'), primarily in the family justice system.
- (b) To influence the development of the law of the jurisdiction relating to children so as to ensure that the law evolves and progresses in a manner consistent with the welfare of children and the right of children to comprehensive and effective legal protection and redress.
- (c) To improve the knowledge and professional practice standards of those who are charged with applying that law so as to ensure that children receive comprehensive and effective legal protection and redress within the justice system.

2.2 In pursuance of the overarching objects the Association may undertake such functions as are necessary and appropriate, which may include but need not be limited to:

- (a) Working to further and improve the knowledge and practice of all persons involved and interested in the law, social policy and practice relating to children and associated issues.
- (b) Providing a forum for the exchange of and use of, opinions, research and ideas on the practice of children law and associated policies.
- (c) Research and publish reports on existing practice in connection with children law and ways of improving law, policies and practice.
- (d) Arrange and provide for, or join in arranging and providing for, the holding of exhibitions, congresses, meetings, lectures, seminars and training courses to deal with children law, practice and issues relating to children.
- (e) Organise such money raising activities as may be determined by the Committee from time to time to raise funds to promote and encourage the activities of charities or voluntary organisations concerned with the care and protection of children.
- (f) Make, develop and maintain working relations with other organisations and bodies to promote professional good practice and effective interdisciplinary links.
- (g) Engage in influencing policy developments so as to further the overarching objects.

2.3 In furtherance of the objects, the Association may procure contributions and/or subscriptions by personal or written appeal, public meetings or

otherwise. All monies raised by or on behalf of the Association shall be applied to promote the objects of the Association. This may include the payment in good faith of reasonable and proper remuneration to any employee of or provider of services to the Association or the payment of reasonable and necessary expenses, including wherever the Committee considers it appropriate, an Honorarium to the Chair and /or partial compensation for loss of other earnings while engaged in Association business or activities to any such employee of, provider of services to, Officer of or ordinary Committee member of the Association.

### **3 Membership**

- 3.1 Full membership of the Association shall be open to any solicitor, trainee solicitor, barrister, trainee/pupil barrister, legal executive, law clerks, academics with a legal or socio legal qualification or working in a legal department, members of the judiciary, all legal advisers to the courts and court staff with a legal qualification.
- 3.3 Individual associate membership of the Association shall be open to all other person interested in pursuing the objects of the Association, who shall be entitled to attend meetings but not to vote.
- 3.4 Organisation membership of the Association shall be open to all duly constituted bodies interested in pursuing the objects of the Association, who shall be entitled to attend meetings but not to vote.
- 3.5 The Association may appoint any member who has held the office of Chair and/or who has made an outstanding contribution to the Association, to the position of Honorary Lifetime Vice-President. Such appointment will be made on the recommendation of the Committee and is subject to the approval of a majority of members attending and voting at the Annual General Meeting.

- 3.6 In addition, any person may be invited to be an honorary member of the Association at the invitation of the Committee.
- 3.7 Membership of the Association shall cease if the subscription is unpaid for more than three months or by resolution of the Committee, provided that in the event of such a resolution being considered the member concerned shall be given at least 14 days notice of the meeting and be entitled to attend and be heard by the Committee. The Committee may waive the requirement that any Honorary Lifetime Vice –President or honorary member pay a subscription fee.
- 3.8 All members shall be admitted at the discretion of the Committee.

#### **4 Subscription**

- 4.1 Each calendar year members shall pay a subscription at a rate agreed by the members at the Annual General Meeting.
- 4.2 Practice and Organisation membership of the Association may be made available at such rates and conditions as may be agreed by the members at the Annual General Meeting.

#### **5 Executive Committee and sub-committees**

- 5.1 Members shall elect from amongst themselves an Executive Committee (referred to in this Constitution as the Committee) made up of ordinary members and such Officers as they may from time to time consider appropriate, including but not limited to:
- 5.1.1 Chair or two Co-Chairs ('referred to in this Constitution as 'Chair')
  - 5.1.2 Vice-Chair
  - 5.1.3 Treasurer
  - 5.1.4 Secretary

- 5.2 The Committee shall consist of up to 18 Officers and ordinary Committee members. Any Honorary Lifetime Vice –Presidents may also attend the Committee. The Committee may fill casual vacancies by co-option from among the full or associate membership.
- 5.3 The Committee may establish such sub-committees as may be necessary to promote the objects of the Association. Such sub-committees must have terms of reference agreed by the Committee and consist of at least one Committee member, who will usually chair the sub-committee. Sub-committees may consist of non-members of the Association where that is appropriate to its terms of reference.
- 5.4 The Chair shall hold office from the AGM where they are first elected until the second AGM after they are first elected to the position. The Chair is eligible for re-election as Chair at the end of the term of office, but for no more than one further term of one year until the next AGM, and if not so re-elected may remain as a member of the Committee subject to their being elected as an ordinary Committee member or appointed an Honorary Lifetime Vice –President.
- 5.5 Any Vice-Chair shall hold office for from the AGM where they are first elected until the second AGM after they are first elected to the position. Any Vice- Chair is eligible for re-election as Vice-Chair at the end of the term of office, but if not so re-elected, may remain a member of the Committee subject to their being elected as an ordinary Committee member.
- 5.6 All other Officers shall hold office from an AGM until the next AGM and be eligible for re-election.
- 5.7 The Committee members shall hold office from the AGM where they are first elected until the third AGM after they are first elected to the position, but on their retirement under this rule, will be eligible for immediate re-election.

- 5.8 The three-year term of office of any Committee member co-opted onto the Committee during any particular calendar year and between AGMs, shall be deemed to run from the previous AGM.
- 5.9 The supervision of the election of the Officers and Committee members in accordance with this clause shall be the responsibility of the retiring Secretary or such other Officer as the Committee may appoint.
- 5.10 For the purposes of electing the Officers and members of the Committee, each full member shall have a single vote.
- 5.11 Nominations for each vacant Officer or ordinary Committee member post are to be delivered to the Secretary not less than 28 days before the date of the Annual General Meeting (or in exceptional circumstances such shorter period as a simple majority of full members present and voting at an Annual General Meeting may accept) and are to be signed by the candidate (to indicate willingness to stand for election) and one other full member of the Association.
- 5.12 For all elections or re-elections, nominations must be accompanied by:
- a. A short statement of reasons for wanting to be on the Committee, including a clear declaration that they have no convictions, cautions, reprimands or warnings for any sexual or violent offences, or any offences involving children or young people, and that they are not aware of any such proceedings pending against them. This statement and declaration must be personally signed by the persons seeking the position or office.
  - b. A short statement of support by another full member personally signed by that supporting member.

- 5.13 The Committee has the right to exclude any member of the Association, including Committee member or Officer, from any meeting of the Committee or Association, or part of any such meeting where their presence or behaviour are not conducive to the orderly conduct of the particular meeting, or the interests of the Association generally.
- 5.14 The voting may be (i) by post or e-mail provided that the ballot papers are received by the Secretary not later than the morning before the date fixed for the Annual General Meeting or in person at the place appointed for the Annual General Meeting but not less than four hours before the time fixed for the meeting or such shorter time as the chair of the Annual General Meeting may allow or (ii) by a simple majority of full members present and voting at an Annual General Meeting, and the chair for the meeting shall have a second casting vote in the event of a tie.
- 5.15 In the event of any query as to the membership status of members attending and voting at the Annual General Meeting, any other General Meeting or any Committee meeting of the Association, the membership records held by the Secretary or Administrator shall be deemed final and conclusive.
- 5.16 The list of members, and the details of any individual members are to be maintained by the Administrator, or such other person appointed by the Committee, and shall be confidential to the Association, and not disclosed to any other person or organisation outside the Association, whether for payment or otherwise.
- 5.17 This preceding clause shall not be taken as limiting the ability of the Committee to use the membership lists for appropriate circulations by, or on behalf of, other organisations or groups, or the Chair, Secretary, or Treasurer having access to, and copies of, the membership list, but in any event only for the genuine purposes of the Association and in accordance with the Law.

## **6 Management of the Association**

- 6.1 The overall management of the Association shall be the responsibility of the Committee. Day-to-day administration of the Association may be delegated by the Committee to an Administrator, or such other persons as the Committee shall appoint, and both management and administration shall be subject to the provisions of this Constitution.
- 6.2 The Committee shall open a bank account for the Association and the terms of the bank mandate shall be agreed by the Committee.
- 6.3 Save as expressly provided by this Constitution, decisions of the Association shall be reached by a simple majority of full members present and voting at an Annual or Extraordinary meeting, and the Chair for the meeting shall have a second casting vote in the event of a tie.
- 6.4 Save as expressly provided by this Constitution, decisions of the Committee of the Association shall be reached by a simple majority of full members, including co-opted full members, present and voting, and the Chair for the meeting shall have a second casting vote in the event of a tie.
- 6.5 In giving notice of a General meeting to members the Committee shall include arrangements to enable members to appoint another member to act as their proxy for the purposes of exercising their vote at the meeting.
- 6.6 The quorum for meetings of the Association shall be five per cent of the current full membership and the quorum for meetings of the Committee shall be six.

- 6.7 If at any General meeting of the Association no quorum is present within 30 minutes of the time given for the start of the meeting, the meeting shall be adjourned to a date at least 28 days from the date fixed for the meeting and subject to notification being sent to all members of the adjourned meeting time and date, those members present at the adjourned meeting shall constitute a quorum.
- 6.8 If at any Committee meeting of the Association, no quorum is present within one hour of the time given for the start of the meeting, the members present can adjourn to a date at least seven days from the date for the meeting, and subject to notification of all Committee members of the adjourned meeting time and date, those full Committee members present at the adjourned meeting shall constitute a quorum.
- 6.9 The Committee shall meet no less than three times each calendar year between AGMs and at places and times decided by the Committee.
- 6.10 The Committee members shall be given at least five days notice of a Committee meeting, and the agenda for that meeting.
- 6.11 Any two of the Chair, Vice Chair, Secretary, or Treasurer may together call an Emergency meeting of the Committee, provided that at least 2 working days notice are given to all other Committee members, together with a clear indication of the business to be conducted.
- 6.12 Any Officer, ordinary Committee member or Honorary Lifetime Vice-President will be suspended immediately both from the Committee and as a member of the Association in the event that they are:
- (a) convicted, cautioned, reprimanded or warned for any sexual or violent offences, or any offences involving children or young people, or
  - (b) found guilty of professional misconduct by their professional body,
- or

(c) involved in conduct which a two thirds majority of the remaining Committee members determine would bring the Association into disrepute.

The suspended person shall be given written notice by the Secretary (or another Officer) within seven days of the suspension and the matter considered at the next Committee meeting. The suspended person may attend that meeting and/or submit written representations when the Committee will decide on an appropriate way forward including that the person is deemed to have resigned from the Committee and the Association or to continue the suspension until the next AGM for consideration.

6.13 In the event of any Officer, or ordinary Committee member not attending at least 50% Committee meetings following an AGM and before the next years AGM, and without reasons acceptable to at least two-thirds of the remaining members of the Committee, they shall be deemed to have resigned from the Committee. The Officer or ordinary Committee member shall be given not less than 28 days notice of the resignation and the resignation will be effective immediately following the next Committee meeting (or AGM if earlier) subject always to them being able to continue their membership of the Committee at the forthcoming AGM. This provision does not apply to any Honorary Lifetime Vice –President.

6.14 The term of office of any officer or Committee member affected by this previous sub- clause who seeks to continue their membership of the Committee at a subsequent AGM, will run from the date of their originally joining the Committee in that position, or their most recent re-election, whichever is the later.

6.15 Subject to the provisions of this Constitution the conduct of all meetings shall be in the sole discretion of the chair of the meeting, who shall also have a second casting vote. The chair of Committee meetings shall be the Chair or in his/her absence the Vice Chair or such other person as

the majority of those present at the meeting shall agree. The chair of the AGM (and any EGM) shall be the retiring Secretary or such other person as the Committee shall agree.

- 6.16 The Association may enter into a contract for services, and in so doing employ the services of such persons as may be required to include but not be limited to the services of an Administrator.
- 6.17 The Association may in addition enter into a contract for the purchase of goods and services generally in the furtherance of the business of the Association. Such a contract for services to be agreed by the Committee, or such Officer, or officers, as the Committee may decide from time to time. Any such contract for goods or services to include such conditions as may be agreed between the contracting parties and the Officers of the Committee. In entering such a contract for goods or services, and wherever the Committee deems it appropriate, an advertisement or tender will be published and the Committee, on behalf of the Association, will use equal opportunities recruitment standards.
- 6.18 The Committee of the Association may authorise any Administrator or other person to purchase goods or services on behalf of the Association, provided always that the authorisation is clearly noted in Committee records and in writing to the individual concerned, and subject always to such maximum in any one transaction as may be agreed by the Committee and confirmed by the Treasurer.
- 6.19 This previous sub-clause is not to be taken in any way to restrict the right of the Committee itself, or the Treasurer, together with at least one of the Chair, any Vice Chair or Secretary, to enter into, or authorise the entering into agreements for goods or services of more than the maximum referred to in 6.17 above subject always to clear notification of the authorisation in writing in committee records.

6.20 The Association may enter into a contract or agreement for the purposes of charging other bodies or associations or members of the public for services provided by the Association, including published material, educational courses, conferences and such other or further services that the Association by agreement of its Committee consider to be appropriate.

## **7 Annual General Meeting**

7.1 The Committee shall arrange an Annual General Meeting, with the first taking place within 15 months of the adoption of this Constitution and subsequent Annual General Meetings within 15 months of the preceding one. At least 28 days notice shall be given in writing to each member specifying the business to be conducted at the meeting.

7.2 At the Annual General Meeting ('AGM'), the following business shall be transacted, but the order of business shall be in the discretion of the Committee:

7.2.1 The election of Officers and ordinary Committee members to serve until the next AGM.

7.2.2 To consider a report from the Officers on the work of the Association since the previous AGM.

7.2.3 To approve the accounts of the Association for the preceding financial year.

7.2.4 To approve the minutes of the previous AGM, and deal with any matters arising.

7.2.5 To appoint honorary auditors for the Association.

7.2.6 To decide on the level of subscriptions for membership of the Association.

7.2.7 To consider plans for the Association for the following year.

7.2.8 To consider motions and any other business proposed and seconded by 2 full members of the Association and notified in writing to the Secretary at least 28 days before the AGM.

7.2.9 Any other urgent business.

## **8 Extraordinary General Meetings**

8.1 The Committee may any time at their discretion, and shall within 28 days of receiving a written request so to do signed by not less than either 25 full members, or 20 percent of the full members of the Association, whichever is the smaller, and which in both of these cases, must include at least 4 current full and eligible members of the Committee, giving reasons for the request, call an Extraordinary General Meeting of the Association. At least 28 clear days notice shall be given in writing to each member specifying the business to be conducted at the meeting.

## **9 Change of Constitution**

9.1 This Constitution may be changed by a two-thirds majority of members present and voting at the meeting considering the proposed changes to the Constitution, provided that the members are given notice in writing of the proposed change of the Constitution at least 28 days before the meeting at which it is to be discussed.

9.2 Any such proposed changes to this Constitution shall be in writing, clearly signed by 2 full members of the Association and notified to the Secretary as provided for in 9.1 above.

9.3 The proposed changes to the Constitution will be voted on, in whole or in parts, at the General Meeting where they are tabled, without amendment, and by two-thirds majority of full members present and voting by show of hands at that General meeting.

## **10 Dissolution**

10.1 The members may dissolve the group by a two-thirds majority of those members present and voting at a General Meeting, provided at least 28 days notice of the resolution to dissolve is given to all members.

10.2 In the event of the Association ceasing to operate, or the members resolving to dissolve it, then, if any assets of the Association are left

after paying out all expenses and other liabilities, they may be distributed in accordance with the instructions of the members of the Association, or in the absence of instructions by the Officers to a charity or other organisation involved in promoting the interests and welfare of children.

## **11 Notices**

- 11.1 Any notices required to be given under this Constitution shall be deemed to be properly given if posted by Royal Mail or equivalent, DX service or e-mail to the members last known address/e-mail address.

Date: 20<sup>th</sup> September 2009  
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